

# EXHIBIT 1

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2                   UNITED STATES DISTRICT COURT  
3                   FOR THE EASTERN DISTRICT OF VIRGINIA  
4                   ALEXANDRIA DIVISION

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ROSY GIRON DE REYES,                 )  
et al,                                 )  
  ) Civil 16-563  
Plaintiffs,                         )  
  )  
v.                                     )  
  ) Alexandria, Virginia  
WAPLES MOBILE HOME PARK             ) September 23, 2020  
LIMITED PARTNERSHIP,                 )  
et al,                                 )  
Defendants.                         )  
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TRANSCRIPT OF MOTION HEARING  
VIA ZOOM

BEFORE THE HONORABLE T. S. ELLIS  
UNITED STATES DISTRICT JUDGE

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APPEARANCES:

For the Plaintiffs:   Simon Yehuda Sandoval-Moshenberg  
                         Gianna Puccinelli  
                         Nady Peralta  
                         Matthew Traupman

For the Defendants:   Michael Sterling Dingman  
                         Grayson Hanes  
                         Justin deBettencourt  
                         Grayson Hanes

Court Reporter:      PATRICIA A. KANESHIRO-MILLER, RMR, CRR

Proceedings reported by stenotype shorthand.  
Transcript produced by computer-aided transcription.

1 Circuit suggested? Is that the plaintiffs' position?

2 MS. PUCCINELLI: No, Your Honor. Plaintiffs contend  
3 that we should only be proceeding to trial on the disparate  
4 impact theory of the Fair Housing Act claim.

5 THE COURT: All right. And as to that, it's the  
6 position of the plaintiffs that it should proceed to trial on  
7 all three steps of the analysis as identified by the Fourth  
8 Circuit?

9 MS. PUCCINELLI: That is correct, Your Honor.

10 THE COURT: All right. Now, with respect to the  
11 arguments that I have heard, you might reiterate, just to  
12 refresh my recollection, what is the plaintiffs' position on  
13 the effect, if any, of the anti-harboing statute on the  
14 plaintiffs' claim in this case?

15 MS. PUCCINELLI: Your Honor, plaintiffs' position is  
16 that the anti-harboing statute has no place in the analysis  
17 on step one. The Fourth Circuit's -- the Fourth Circuit's  
18 opinion clearly states, under the first step, the plaintiff  
19 must demonstrate a robust causal connection between the  
20 defendants' challenged policy and the disparate impact on the  
21 protected class. And it goes -- the Fourth Circuit goes on  
22 to identify how plaintiffs have done that. And that's either  
23 through statistical evidence or other evidence that  
24 specifically links the policy at issue with a  
25 disproportionate impact on the protected class. And

1           instructed to consider whether defendants actually relied on  
2           the anti-harboring statute as a justification for creating  
3           the policy and applying it in this case to our plaintiffs.  
4           In other words, whether it is pretextual --

5           THE COURT: Why couldn't they have --

6           MS. PUCCINELLI: Sorry, Your Honor.

7           THE COURT: Well, all right. It's puzzling to me, if  
8           there is any basis for the application of the anti-harboring  
9           statute -- there may not be -- I will go back and look at  
10          what I have written -- but I'm not sure that if they didn't  
11          rely on the anti-harboring statute and it really came up in  
12          the course of the litigation rather than in their formulation  
13          of the policy, why couldn't they still say, look, that is  
14          still a consideration, we didn't realize we'd be put in jail  
15          but now we do.

16          MS. PUCCINELLI: Well, Your Honor, that turns to a  
17          question of whether, under the application of that law, that  
18          they would validly be, as you said, put in jail for violating  
19          the anti-harboring statute.

20          But I do think --

21          THE COURT: Yes, but my problem there,  
22          Ms. Puccinelli, is that juries don't decide that sort of  
23          thing; judges do. I think you will agree, as I think is  
24          indisputable, that the anti-harboring statute really played  
25          no role in the Fourth Circuit's analysis.